

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

## ORDER

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

1. The plaintiff's objection (Doc. #8) to the Report and Recommendation filed December 20, 2006 and Motion to Overrule Report and Recommendation (Doc. #10) filed on December 27, 2006 are overruled;
2. The Report and Recommendation of the Magistrate Judge (Doc. #4) entered on December 8, 2006 is adopted;
3. That plaintiff's complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915A (b)(1) and/or (2) and this case is DISMISSED prior to service of process.

DONE this 16th day of January, 2007.

/s/ Truman Hobbs  
SENIOR UNITED STATES DISTRICT JUDGE